



Atty. Docket No. 69,010-335  
Serial No. 10/696,530

# Ifa

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Pierson et al.

Serial No.: 10/696,530      Group Art Unit: 3712  
Filed: 10/29/03      Examiner: Ackun  
For: SMART SMOKE UNIT  
Atty. Dkt. No.: 69,010-335

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION PURSUANT TO 37 C.F.R. 1.111**

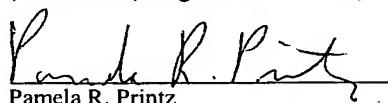
Dear Sir:

This paper is responsive to the Office Action mailed April 15, 2004 and the telephone conference of September 2, 2004 between the Applicants' undersigned attorney and the Examiner. Applicants made a bona fide attempt to respond to the outstanding Office Action by filing a Response and Terminal Disclaimer on July 15, 2004. Applicants were then informed that its Terminal Disclaimer was not accepted as a signature for that portion of the Response was omitted. Accordingly, in accordance with the instructions of the Examiner from our telephone conference, Applicants are re-filing the Response and Terminal Disclaimer under separate covers to correct the above-stated omission.

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**Certificate of First Class Mailing**

I hereby certify that this Response to Office Action Pursuant to 37 C.F.R. 1.111 and Terminal Disclaimer under 37 C.F.R. 1.321(c) is being deposited with the United States Postal Service via regular First Class Mail delivery addressed to Mail Stop Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 8<sup>th</sup> day of September, 2004.

  
Pamela R. Printz

Because Applicants made a bona fide attempt to advance the prosecution of this matter in accordance with 37 CFR § 1.111(b) by filing its initial response within three months of the issuance of the Office Action, Applicants do not believe this re-filed Response, which is being filed in lieu of the Examiner issuing a new Office Action, requires any fees for extensions of time. However, should the Office determine that any fees related to this matter, including extensions of time, are required, the Office is hereby authorized to charge any and all such fees to Deposit Account 04-2223.

**Amendments to the Specification** appear on page 3 of this paper; and

**Remarks** begin on page 4 of this paper.

## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Pierson, et al.

Docket No.

69,010-335

Application No. 10/696,530	Filing Date 10/29/03	Examiner Ackun	Customer No. 26,127	Group Art Unit 3712	Confirmation No.
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Invention: SMART SMOKE UNIT

SEP 10 2004

PATENT &amp; TRADEMARK OFFICE

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	7 -	22 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

Please charge Deposit Account No. in the amount of

A check in the amount of to cover the filing fee is enclosed.

The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 04-2223

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Dated: 09/08/04

Signature

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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 09/08/04  
(Date)



Signature of Person Mailing Correspondence

Pamela R. Printz

Typed or Printed Name of Person Mailing Correspondence

CC: